



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 10 2016

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL 7009 1680 0000 7677 9470**  
**RETURN RECEIPT REQUESTED**

Mr. Luke Burkholder  
Quality Supervisor  
Specialty Tapes Manufacturing  
4221 Courtney Road  
Franksville, Wisconsin 53126

Re: Notice of Violation  
Compliance Evaluation Inspection  
WIR000049668

Dear Mr. Burkholder:

On December 8, 2015, a representative of the U.S. Environmental Protection Agency inspected Specialty Tapes Manufacturing located in Franksville, Wisconsin (hereinafter "STM," "facility," or "you"). As a large quantity generator of hazardous waste, STM is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* ("RCRA"). The purpose of the inspection was to evaluate STM's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by STM, EPA's review of records pertaining to STM, and the inspector's observations, EPA has determined that STM has unlawfully stored hazardous waste without a license or interim status as a result of STM's violation of certain requirements for a license exemption under Wis. Admin. Code §§ NR 662.034(1)-(3). EPA has identified the license exemption requirements violated by STM in paragraphs 1 - 4, below.

**STORAGE OF HAZARDOUS WASTE WITHOUT A LICENSE OR INTERIM STATUS**

STM violated the following large quantity generator license exemption requirements:

1. Management of 90-day Hazardous Waste Containers

Under Wis. Admin. Code §§ NR 662.034(1)(b) and (c) [40 CFR §§ 262.34(a)(2) and (3)], a hazardous waste generator may accumulate hazardous waste on-site for 90 days or less without a license or interim status provided that 1) each container of hazardous waste is visibly marked with an accumulation start date and 2) while being accumulated on-site, each container is marked clearly with the words "Hazardous Waste."

At the time of the inspection, STM was storing several 55-gallon drums of hazardous waste in a 90-day storage area in the center of its adhesives room. There were seven drums of hazardous waste stacked on wooden pallets in this area. Six of the drums were labeled as "Hazardous Waste" and were dated. The seventh drum was neither labeled as "Hazardous Waste" nor was it marked with an accumulation start date. STM, therefore, is in violation of the above license exemption requirements.

## 2. Management of Hazardous Waste Satellite Accumulation Containers

Under Wis. Admin. Code §§ 662.034(3)(a) and 665.0173(1) [40 CFR 262.34(c); 265.173(a)], a hazardous waste generator may accumulate as much as 55 gallons of hazardous waste in containers ("satellite containers") at or near the point of generation where wastes initially accumulate, which is under control of the operator, provided that the containers are marked with the words "Hazardous Waste" or other words to identify its contents and the containers are kept closed except when it is necessary to add or remove waste.

At the time of the inspection, STM was accumulating hazardous waste paint-contaminated sample cups and debris in a white 55-gallon drum outside of its adhesives room. This drum was not marked as "Hazardous Waste" and was open when waste was not being added or removed. Later during the inspection, however, an STM employee affixed a "Hazardous Waste" label to the drum and provided it a lid.

STM was also accumulating hazardous waste MEK-contaminated rags and debris inside the coating head rooms in its oven area. In the northern-most coating head room, STM was accumulating hazardous waste rags and other debris in an open-top blue drum. This drum was not closed when waste was not being added or removed and was not labeled as "Hazardous Waste." Similarly, in a coating head room just south of this room, STM was accumulating more hazardous waste rags and other debris in a small red bucket. The bucket was closed during the inspection but was not labeled as "Hazardous Waste."

Three additional red buckets of hazardous waste MEK-contaminated rags and debris were observed inside STM's adhesives room. Though these buckets were closed, they were not labeled as "Hazardous Waste." STM, therefore, is in violation of the above license exemption requirements.

## 3. Hazardous Waste Contingency Plan Amendment

Under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0054(4) [40 CFR §§ 262.34(a)(4); 265.54(d)], a hazardous waste contingency plan shall be reviewed, and immediately amended, whenever the list of emergency coordinators changes.

At the time of the inspection, STM had a hazardous waste contingency plan which listed Mr. Wayne Brieske as the facility's primary emergency coordinator. STM personnel stated that Mr. Brieske no longer worked on site and that another employee had taken over responsibility as the primary emergency coordinator.

On January 26, 2016, STM's environmental consultant provided an amended copy of STM's contingency plan which contained current emergency coordinator contact information. Thus, no further action is necessary to comply with this requirement.

#### 4. Personnel Training Recordkeeping Requirements

Under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0016(5) [40 CFR §§ 262.34(a)(4); 265.16(e)], a hazardous waste generator that provides a program of classroom or on-the-job training for personnel in hazardous waste management procedures, as well as annual reviews of such training, must maintain records of the training for current personnel until closure of the facility. Training records on former employees shall be kept for at least 3 years from the date the employee last worked at the facility.

At the time of the inspection, STM provided records from 2012 and 2015 which displayed that its employees had received annual training sessions in hazardous waste management procedures. However, records displaying annual training in 2013 and 2014 were not available. STM personnel stated that the training conducted in 2013 and 2014 was provided by a different company than that in 2012 and 2015, but that they would attempt to locate records of the training sessions from these two years.

On January 26, 2016, STM's environmental consultant provided email records which display that hazardous waste management training was organized and completed in 2013. No records were provided for 2014. Regardless, because records of hazardous waste management training from 2013 and 2014 were not maintained on site, STM violated the above license exemption requirements.

**Summary:** By violating the requirements for a license exemption, above, STM became an operator of a hazardous waste storage facility, and was required to obtain a Wisconsin hazardous waste storage license. STM failed to apply for such a license. STM's failure to apply for and obtain a hazardous waste storage license violated the requirements of Wis. Admin. Code §§ NR 680.30, 680.31, and 680.32 [40 CFR §§ 270.1(c), and 270.10(a) and (d)].

At this time, EPA is not requiring STM to apply for a Wisconsin hazardous waste storage license so long as it immediately establishes compliance with the conditions for a license exemption outlined in paragraphs 1, 2, and 4, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken to establish compliance with the above requirements. You should submit your response to Mr. Brian Kennedy, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Mr. Kennedy, of my staff, at (312) 353-4383 or at [kennedy.brian@epa.gov](mailto:kennedy.brian@epa.gov).

Sincerely,



Margaret M. Guerriero  
Director  
Land and Chemicals Division

Enclosure

cc: Cynthia Moore, WDNR, [cynthia.moore@wisconsin.gov](mailto:cynthia.moore@wisconsin.gov)  
Michael Ellenbecker, WDNR, [michael.ellenbecker@wisconsin.gov](mailto:michael.ellenbecker@wisconsin.gov)